REMARKS

This application contains claims 1-7, 9-17, 19-28 and 30-32. Claims 1, 9, 11, 19, 22 and 30 are hereby amended. No new matter has been introduced. The Office Action and cited references have been considered. Reconsideration is respectfully requested.

Applicant thanks Examiners Bengzon and Vaughn for the courtesy of a personal interview with Applicant's representative, Sanford T. Colb (Reg. No. 26856), held at the USPTO on June 5, 2007. At the interview, Mr. Colb presented a draft amendment to the specification and the claims, and argued the patentability of the amended claims over the cited references. The Examiners indicated that they would perform an additional search with respect to the added features of the amended claims following submission of the formal amendment. Subsequent to the interview, Examiner Bengzon contacted Mr. Colb and drew his attention to U.S. Patent 7,089,330, which shows a use of servlets.

Claims 1-7, 11-17, 22-28 and 32 were rejected under 35 U.S.C. 103(a) over Tso et al. (U.S. Patent 6,421,733). Applicant has amended independent claims 1, 11 and 22 in order to clarify the distinction of the present invention over Tso, by adding an explicit definition of the "servlet" that is recited in these claims. The specification has also been amended to provide written description support for the amended claim language. The definition of the servlet that Applicant has chosen to use is taken literally from the "Java Servlet Specification Version 2.3," which was incorporated by reference in the present patent application as filed.

Independent claims 1, 11 and 22 recite a novel use of a servlet to enable clients to request a certain portion of a media file. The servlet selects the elements of the media file corresponding to the requested portion for streaming to the client. The servlet permits the

streaming function to be carried out by a standard HTTP server. This sort of selective client

access to portions of media files was previously available only through the use of costly,

specialized media servers (as explained, for example, in paragraphs 0011 and 0016 of the

specification).

Tso describes a system for dynamically transcoding data, using a HTTP remote

proxy in conjunction with a parser and transcode service providers (Fig. 3 and col. 3, lines 31-

65). As Applicant pointed out in the previous response to the above-mentioned Official Action,

Tso makes no mention or suggestion of the use of servlets, or of any equivalent sort of program.

Rather, Tso uses the HTTP proxy to fetch content from the Internet and decide whether or not to

transcode it.

In the Advisory Action, the Examiner did not dispute this point, but rather

maintained that Tso's transcoder may be implemented "as a software module installed in a

network proxy, in a client device, in a network server device, or in a content server device," and

that such a module is equivalent to the claimed servlet.

Servlets, however, unlike Tso's module, are not installed: Servlets enjoy the

major advantages of being platform-independent and dynamically loadable, as is now recited

explicitly in amended claims 1, 11 and 22. In view of this amendment, these claims are believed

to be patentable over Tso.

U.S. Patent 7,089,330, to Mason, which the Examiner cited after the interview,

describes a method for generating Web pages using Java Server Page (JSP) technology, in which

custom content generation tags are transformed into a format that Web browsers are able to

interpret (col. 2, lines 7-16 and 36-50). The transformation is carried out by a transformation

engine, using stylesheets (col. 4, lines 42-46). Mason mentions that a servlet may include or use this transformation engine (col. 8, lines 47-49).

Mason, in other words, describes a very specific use of a servlet in transforming certain kinds of tags. He makes no mention of media files, or of parsing or selecting portions of files using a servlet, as recited in the claims of the present patent application. There is no suggestion in Mason or elsewhere in the prior art that servlets could be used in the novel manner that is recited in claim 1, in place of a conventional media server or other installed program. On the contrary, Mason explicitly cautions against the limitations of servlets in creating dynamic content (col. 1, lines 16-27). Therefore, even the combination of Tso with Mason would still not have led a person of ordinary skill in the art to create the invention that is claimed in the present patent application.

Thus, Applicant respectfully submits that independent claims 1, 11 and 22, as amended, are patentable over the cited art. In view of the patentability of these independent claims, dependent claims 2-7, 12-17, 23-28 and 32 are also believed to be patentable.

Claims 9, 10, 19-21, 30 and 31 were rejected under 35 U.S.C. 103(a) over Tso in view of Kalra et al. (U.S. Patent 6,490,627). In view of the patentability of amended independent claims 1, 11 and 22, dependent claims 9, 10, 19-21, 30 and 31 are also believed to be patentable.

In addition, Applicant has amended dependent claims 9, 19 and 30 in order to further clarify the independent patentability of the dependent claims. These claims, as amended, recite a type of element that could be selected by the servlet of claims 1, 11 and 22: a segment of an ordered sequence of frames (such as video frames). The Examiner acknowledged that Tso

does not disclose this element of the claims.

Kalra describes a media delivery system that uses a specialized adaptive stream server and adaptive stream client for media streaming (Figs. 13 and 14). The purpose of these elements is to optimize the transmission of sounds or images to the client according to the capabilities of the client computer (col. 1, line 66 – col. 2, line 3). For this purpose, the data transmitted from the server to the client is "segmented" into a base stream, containing the basic informational content, and additive streams, which may be transmitted to provide enhanced resolution, depending on the capabilities of the client (col. 2, lines 27-43).

Kalra, however, does not teach or suggest <u>selecting a segment of a sequence of frames</u>, as recited in claims 9, 19 and 30. Rather, all of Kalra's segments contain the same sequence of frames, but at different resolution levels. The Examiner maintained that this claim element is disclosed by Kalra in col. 5, lines 15-20, but the cited passage refers to no more than the standard way in which an MPEG video sequence is formatted.

Furthermore, Kalra's capabilities are dependent on the use of the specialized adaptive stream server, while his HTTP server is used only to set up the direct connection between the adaptive stream server and the adaptive stream client (col. 15, lines 24-44). By contrast, the claims in the present patent application recite the use of HTTP responses to carry the actual media stream to the client.

In the Advisory Action, the Examiner maintained the rejection on the grounds that "selecting a segment of a sequence of frames" was not recited in claims 9, 19 and 30. Rather, these claims as filed recited "selecting a segment within the sequence." Applicant has therefore amended claims 9, 19 and 30 to accord with the argument.

Thus, claims 9, 19 and 30, as amended, are independently patentable over the cited art. Similar arguments may be made regarding other dependent claims in this application, but for the sake of brevity, Applicant will refrain from advancing these arguments at present.

Applicant believes the amendments and remarks presented above to be fully responsive to all of the grounds of rejection raised by the Examiner. In view of these amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Prompt notice to this effect is requested.

If the Examiner has any questions he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By /Ronni S. Jillions/
    Ronni S. Jillions
    Registration No. 31,979

RSJ:me
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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